



Governor
Douglas A. Ducey

ARIZONA BOARD OF OSTEOPATHIC EXAMINERS

IN MEDICINE AND SURGERY

1740 W. ADAMS STREET #2410
PHOENIX, ARIZONA 85007
PH (480) 657-7703 | FX (480) 657-7715
www.azdo.gov | questions@azdo.gov

Board Members
Douglas Cunningham, D.O., Pres.
Jerry G. Landau, J.D., V.P.
Gary A. Erbstoesser, D.O.
Jonathan A. Maitem, D.O.
Martin Reiss, D.O.
Christopher Spiekerman, D.O.

Executive Director
Amber Brake, JD, MHA, FACHE

DRAFT MINUTES OF THE PUBLIC BOARD MEETING OF THE ARIZONA BOARD OF OSTEOPATHIC EXAMINERS IN MEDICINE AND SURGERY

Saturday, October 20, 2018

BOARD MEMBERS PRESENT:

Douglas Cunningham, D.O. President
Jerry G. Landau, J.D., Vice-President
Martin Reiss, D.O.
Gary A. Erbstoesser, D.O.

ABSENT:

Christopher Spiekerman, D.O.
Jonathan A. Maitem, D.O.

STAFF / OTHERS PRESENT:

Amber Brake, JD, MHA, FACHE, Executive Director
Rachel Shepherd, Investigations Manager
Barbara Prah, D.O., Medical Consultant
John O'Hair-Schattenberg, Investigator
Jenny Webb, Administrative Assistant
Mary Williams, Assistant Attorney General
Cindy Bachman, CVR, Ottmar & Associates (a.m.)
Robin Jasper, RPR, Ottmar & Associates (p.m.)

1. CALL TO ORDER

Dr. Douglas Cunningham, Board President, called the meeting to order at 8:05 a.m.

2. ROLL CALL AND REVIEW OF AGENDA

The Executive Director took the Roll. Four (4) board members were present, establishing quorum for the meeting.

3. CALL TO THE PUBLIC

Dr. Cunningham read the Board's mission statement: "The mission of the Board is to protect the public by setting educational and training standards for licensure, and by reviewing complaints made against osteopathic physicians, interns, and residents to ensure that their conduct meets the standards of the profession, as defined in law (A.R.S. § 32-1854)."

- A. Dr. Cunningham welcomed the Medical Students from Arizona College of Osteopathic Medicine at Midwestern University, A.T. Still University Kirksville College of Osteopathic Medicine and A.T. Still University School of Osteopathic Medicine in Arizona.
- B. If any member of the public who is not a respondent/licensee or applicant or complainant wishes to address the Board on a matter that appears on the agenda, you will be asked to speak during the Call to the Public. If you want to address the Board on an issue not on the agenda, you will also be asked to speak during the Call to the Public. All those wishing to speak should fill out a speaker form and give it to a staff member.

4. REVIEW, CONSIDERATION AND APPROVAL OF MINUTES

A. September 15, 2018 Open Session

MOTION: Dr. Erbstoesser moved to approve the minutes. Dr. Reiss seconded.
VOICE VOTE: Motion carried unanimously.

5. REVIEW, DISCUSSION, AND ACTION ON CASE REVIEWS OF ALLEGATIONS OF UNPROFESSIONAL CONDUCT A.R.S. § 32-1855 (D).

A. Michael John Orris, DO DO-17-0001A License No. 4275

The Respondent was present with attorney Paul Giancola. The complaint alleged Respondent is performing unnecessary procedures, double billing, and false advertising.

After Discussion and consideration the Board determined there was no statutory violation.

MOTION: Dr. Reiss moved for dismissal. Dr. Erbstoesser seconded.
ROLL CALL VOTE: The motion carried 4-0

	Vote	Dr. Cunningham	Dr. Erbstoesser	Mr. Landau	Dr. Maitem	Dr. Reiss	Dr. Spiekerman
YES	4	X	X	X		X	
NO	0						
ABSTAIN/RECUSE	0						
ABSENT	2				X		X

B. Michael John Orris, DO DO-17-0285A License No. 4275

Continued from case DO-17-0001A. The complaint alleged failure to biopsy or resect a tumor discovered during a LAGB and Hiatal Hernia Repair.

After Discussion and consideration the Board determined there was no statutory violation.

MOTION: Dr. Reiss moved for dismissal. Dr. Erbstoesser seconded.
VOICE VOTE: The motion carried.

C. Scott James Biehler, DO DO-17-0301A License No. 1779

The Respondent was present. The complaint alleged failing to sign a death certificate. Respondent was covering for partner after partner got sick. Patient became ill and subsequently died. Family requested Respondent to sign death certificate but Respondent never saw patient.

The Board stated a new law is in affect that if a doctor has not seen a patient in the last 18 months the doctor is required to sign a death certificate.

After Discussion and consideration the Board determined there was no statutory violation.

MOTION: Dr. Reiss moved for dismissal. Dr. Erbstoesser seconded.
VOICE VOTE: The motion carried unanimously.

D. Charles Roy Clinch, DO DO-18-0008A License No. 1901

The Respondent was present with attorney Michael Tamm. The case was opened due to a medical malpractice suit alleged failure to remove left ovary leading to second surgery to have ovary removed.

After Discussion and consideration the Board determined to proceed to an Investigative Hearing.

MOTION: Mr. Landau moved for an Investigative Hearing. Dr. Erbstoesser seconded.

VOICE VOTE: The motion carried unanimously.

E. Rex Dale Cooley, DO DO-18-0026A License No. 3733

The Respondent was not present but his attorney Michael Linton was present to represent him. The complaint alleged failure to diagnose left thigh compartment syndrome with subsequent partial left foot amputation.

After Discussion and consideration the Board determined to proceed to an Investigative Hearing.

MOTION: Dr. Cunningham moved for an Investigative Hearing. Dr. Erbstoesser seconded.

VOICE VOTE: The motion carried unanimously.

F. Caren Lynn Borjeson, DO DO-18-0044A License No. 3117

Continued to December 1, 2018 meeting.

G. Andrew Jay Colman, DO DO-18-0087A License No. 1839

The Respondent was not present. The case was opened from a Board Action Disciplinary Alert Report from the Michigan Board of Osteopathic Medicine and Surgery.

After Discussion and consideration the Board determined to proceed to an Investigative Hearing.

MOTION: Dr. Reiss moved for an Investigative Hearing. Mr. Landau seconded.

VOICE VOTE: The motion carried unanimously.

The Board recessed for a break at 8:45 a.m. and returned to Open Session at 9:00 a.m.

6. **REVIEW DISCUSSION AND ACTION ON INVESTIGATIVE HEARINGS PURSUANT TO A.R.S. § 32-1855 (E).**

A. Kevin Andrew Kline, DO DO-17-0077A License No. 006727

The Respondent was present and was sworn in by the court reporter. At the request of the Board, the Respondent stated his education and training. The Medical Consultant reviewed the case. The complaint alleged failed to complete medical records.

Respondent stated that medical records are his responsibility and he is not here to make excuses. Respondent joined the practice in 2015. The long term office manager resigned after he arrived and then 2 months later Respondent became aware that the practice was broke. He feels the practice was grossly misrepresented to him. The practice self-reported fraudulent billing to CMS. The Respondent finished his one (1) year contract then left the practice, he was not terminated. Respondent was seeing thirty (30) patients a day three (3) days a week and performing surgery two (2) days a week. Respondent stated the charts that were not complete were less than 1% of the patients he saw, but this does not excuse not completing them. Respondent feels this complaint was more sour grapes than anything else.

The Respondent answered the Board’s questions.

Respondent did not send in a Board response to the complaint. Respondent has moved several times and did not notify Board. Respondent did work remotely with the practice to update records, but he had issues with logging in. He let the practice know he was having issues but after three (3) attempts he gave up.

The Board stated that Respondent has a responsibility to complete the charts. The Board suggested Respondent go to the practice, even for a day, to complete medical records.

MOTION: Dr. Reiss moved to table the matter to the January, 2019 meeting so the Respondent can complete patient charts by the end of the year (2018). Dr. Erbstoesser seconded.

VOICE VOTE: The motion carried unanimously.

B. Carl Edward Ferguson, DO DO-17-0253A License No. 2244

The Respondent was present with attorney Jessica Miller and was sworn in by the court reporter. At the request of the Board, the Respondent stated his education and training. The Investigator reviewed the case. The complaint alleged Respondent is utilizing his PA & NP to unlawfully prescribe controlled substances to his patients.

Respondent stated he has not violated any terms or conditions of the Board Order.

After Discussion and consideration the Board determined there was no statutory violation.

MOTION: Dr. Reiss moved for dismissal. Dr. Erbstoesser seconded.

ROLL CALL VOTE: The motion carried 4-0

	Vote	Dr. Cunningham	Dr. Erbstoesser	Mr. Landau	Dr. Maitem	Dr. Reiss	Dr. Spiekerman
YES	4	X	X	X		X	
NO	0						
ABSTAIN/RECUSE	0						
ABSENT	2				X		X

C. Joseph John Ring, DO DO-17-0189A License No. 4529

The Respondent was present and was sworn in by the court reporter. At the request of the Board, the Respondent stated his education and training. The Medical Consultant reviewed the case. The complaint alleged failure to query the CSPMP before certifying patients for the medical marijuana program.

Respondent stated to get patients off of opioids he prescribes medical marijuana. Respondent read the Physician Authorization Form but did not read it as legal statutory. Respondent had lost the ability to log onto the CSPMP; he called the Pharmacy Board to rectify this issue but was not able to. Respondent asked his business partner to access the CSPMP for him as they both see each other’s patients. The city of Globe had no pain management clinic within an hour’s drive and many of the physicians there would not treat the chronic pain patients. The Respondent and his partner found themselves treating many of these chronic pain patients. The Respondent joined the American Academy of Pain Management for education and to stay in compliance; this is when he started getting pain contracts signed by patients. If patients were not able to get off opioids they would refer them to the pain management clinic. After receiving notice from the Pharmacy Board he stopped prescribing Medical Marijuana. Respondent admits that he was not documenting very well in the patient charts. In June they hired a compliance officer to help maintain the charts.

The Board is concerned that the Respondent is not documenting information.

The Respondent answered the Board's questions.

Dr. Cunningham moved to enter Executive Session for legal advice. Dr. Erbstoesser seconded. The Board entered Executive Session at 9:55 a.m. and returned to Open Session at 10:01 a.m.

MOTION: Mr. Landau moved for an Interim Order requiring Respondent to go to PACE or CPEP for a full practice assessment. Respondent is to contact PACE or CPEP within 30 days and complete the examination by May 1, 2019, at the doctors cost. To be approved by the Executive Director. Dr. Reiss seconded.

VOICE VOTE: The motion carried unanimously.

D. Dawn Kwader Walker, DO DO-17-0293A License No. 3240

The Respondent was present with attorney Susan Goodman and was sworn in by the court reporter. At the request of the Board, the Respondent stated her education and training. The Medical Consultant reviewed the case. The complaint alleged inappropriate care of patients and inappropriate interference between physician and hospitalist.

Respondent made a statement regarding patient AA not receiving a pelvic exam. Patient was postpartum in 2010 when Respondent saw her, Respondent evaluated her by doing bloodwork and an ultrasound and referred patient back to OB/GYN. The patient was 30 years old and had no family history of breast cancer and no breast complaints; therefore patient did not meet mammogram standards. The Medical Consultant stated that there was not any information in the charts showing a negative family history for breast cancer.

Respondent stated that patient ME had a chest CT in November 2011 and early 2013. Patient had an abnormal CT in 2011, the Respondent referred CT to pulmonology but the patient refused. Respondent saw patient throughout 2012 and patient stated that no one is going to stop him from smoking, Respondent admits to not documenting very well in 2012. Respondent referred patient to an oncologist to have a PET scan and the patient complied, but then refused treatment. Patient refused to do a drug screen as he was on chronic pain medication and was discharged.

Respondent stated patient CW was handled by Amanda Bennett. Patient did not seek treatment for breast cancer.

Respondent stated the complaint was generated by a hospitalist whom has issues with the DNP, Amanda Bennett. The Respondent feels the Hospitalist has extreme issues with mid-levels. The Hospitalist sent a complaint to the Nursing Board against Amanda Bennet which was dismissed. The Respondent believes that the Hospitalist felt pressure from the CEO to admit patients.

The attorney made a statement that the hospitalist left the hospital in 2016.

The Respondent answered the Board's questions.

MOTION: Dr. Reiss moved for dismissal. Mr. Landau seconded.

ROLL CALL VOTE: The motion carried 3-1

	Vote	Dr. Cunningham	Dr. Erbstoesser	Mr. Landau	Dr. Maitem	Dr. Reiss	Dr. Spiekerman
YES	3	X		X		X	
NO	1		X				
ABSTAIN/RECUSE	0						
ABSENT	2				X		X

The Board recessed for a break at 10:56 a.m. and returned to Open Session at 11:09 a.m.

E. Charles Roy Clinch, DO DO-18-0091A License No. 1901

The Respondent was present with attorney Michael Tamm and was sworn in by the court reporter. At the request of the Board, the Respondent stated his education and training. The Investigator reviewed the case. The complaint alleged sexual misconduct.

Respondent made a statement. Patient was referred to him by his Nurse Practitioner due to patient's pelvic pain. Respondent had talks with the patient about the pain when she had sexual relations before pre-op, ie; does position change help. After the procedure the Respondent told the patient not to have sexual relations until her follow-up appointment. Respondent asked the patient if the hysterectomy procedure helped her during sexual relations. Respondent states he only gave her a hug and a pat on the back as he does with most of his patients. He found out patient was angry with Nurse Practitioner and patient decided to change practices.

The Respondent answered the Board's questions.

Respondent only saw patient one (1) other time, but never made sexual advances to her.

Board stated times are different and cautioned Respondent not to hug too close as it can be misinterpreted. The Board does not take the complaint from CS lightly and they understand where she is coming from. The discussion today puts the doctor and others on notice that the Board looks at this very carefully. The Board feels that the Respondent does understand what the boundaries are in this day and age.

MOTION: Dr. Reiss moved for dismissal. Dr. Erbstoesser seconded.

ROLL CALL VOTE: The motion carried 4-2.

	Vote	Dr. Cunningham	Dr. Erbstoesser	Mr. Landau	Dr. Maitem	Dr. Reiss	Dr. Spiekerman
YES	4	X	X	X		X	
NO	0						
ABSTAIN/RECUSE	0						
ABSENT	2				X		X

F. Fred Lee Goldblatt, DO DO-17-0287A License No. 005390

The Respondent was present with attorney Paul Giancola and was sworn in by the court reporter. At the request of the Board, the Respondent stated his education and training. The Medical Consultant reviewed the case. The complaint alleged a delay in diagnosis of lung cancer related to an annual screening CT which was done to assess previously identified lung nodules in a life-long smoker.

The Respondent read a statement. The patient was new to the Respondent and had been followed annually for previously discovered lung lesions. The patient had radiologist recommended chest CT surveillance. On the radiologist report a new lesion was noted, which the Respondent saw and reviewed. Since there was no recommendation or comment from the radiologist on the report the Respondent assumed it was an incidental finding like the other lesions, which were also being followed. Radiology reports usually include along with their findings; recommendations, changes in screening protocol, what to do next, staging even references, but the report the Respondent received did not have any of this type of information. The Respondent states the radiologist did not call him with any concerns or alarms from the report and did not recommend any change in the patients screening

protocol. The Respondent incorrectly assumed it was an incidental finding. The medical assistant did call the patient with the results and told him to return in one (1) year to follow up surveillance.

The Board asked the Respondent to read an example of a radiologists report dated 2014. The Respondent would now refer the patient to a pulmonary specialist and an oncologist after seeing the film. The Respondent relied too heavily on the radiologist report and thought the lesion was another benign nodule.

The Respondent answered the Board’s questions.

Respondent stated that he has taken three (3) hours of radiology centered CME courses, in person. Respondent has made changes in his practice and now does not rely on the radiologist if a specific follow up is needed. If a report does not clarify a follow up course of action he will call the radiologist to discuss the findings.

MOTION: Mr. Landau moved for a Non-Disciplinary Letter of Concern for failing to follow-up on a lung nodule and delay in diagnosis of lung cancer. Dr. Reiss seconded.

ROLL CALL VOTE: The motion carried 4-0.

	Vote	Dr. Cunningham	Dr. Erbstoesser	Mr. Landau	Dr. Maitem	Dr. Reiss	Dr. Spiekerman
YES	4	X	X	X		X	
NO	0						
ABSTAIN/RECUSE	0						
ABSENT	2				X		X

Cases will be called after 1:00 p.m.

7. REVIEW, DISCUSSION AND ACTION ON INVESTIGATIVE HEARINGS PURSUANT TO A.R.S. § 32-1855 (E).

G. Hudson Lee, DO DO-17-0086A License No. 4625

The Respondent was present and was sworn in by the court reporter. At the request of the Board, the Respondent stated his education and training. The Investigator reviewed the case. The complaint alleged failure to provide patient records to patient.

The complainant has received all the medical records requested and is satisfied.

The Respondent answered the Board’s questions.

MOTION: Mr. Landau moved for Letter of Concern for failure to provide timely request of medical records. Dr. Erbstoesser seconded.

VOICE VOTE: The motion carried unanimously.

H. David Lavon Payne, DO DO-17-0292A License No. 1640

The Respondent was present and was sworn in by the court reporter. At the request of the Board, the Respondent stated his education and training.

Dr. Reiss moved to enter Executive Session for legal advice. Dr. Erbstoesser seconded. The Board entered Executive Session at 1:30 p.m. and returned to Open Session at 1:32 p.m.

Mr. Landau moved to enter Executive Session for confidential medical information. Dr. Reiss seconded. The Board entered Executive Session at 1:33 p.m. and returned to Open Session at 1:50 p.m.

The Respondent stated he is currently retired and not seeing any patients. The Board asked if the Respondent wanted to surrender his license and the Respondent does not want to surrender his license.

Dr. Reiss moved to enter Executive Session for legal advice. Dr. Erbstoesser seconded. The Board entered Executive Session at 1:53 p.m. and returned to Open Session at 2:00 p.m.

The Board feels they need more information.

MOTION: Mr. Landau moved for an Interim Order for:

1. Neuro-Psychological Evaluation to be approved by the Executive Director.
2. Neurology evaluation to be approved by the Executive Director.
3. Obtain medical records and labs from primary care physician from May 2018 to current.
4. Pain specialist records.
5. Cardiologist records.
6. MRI from Banner Desert Hospital.

Dr. Erbstoesser seconded.

VOICE VOTE: The motion carried unanimously.

The investigative hearing will be continued to the January 12, 2019 Board meeting.

I. Thomas G. Kotoske, DO DO-17-0222A License No. 3065

The Respondent was present with attorney Kraig Marton and was sworn in by the court reporter. At the request of the Board, the Respondent stated his education and training. The Medical Consultant reviewed the Outside Medical Consultant's review. The complaint alleged failure to properly perform a breast augmentation and tummy tuck causing additional surgery, misled regarding board certification and states her records were altered before receiving them.

Respondent made a statement. Patient had massive weight loss due to a procedure done by another surgeon. The Respondent took this case on to help patient and performed a capsulorrhaphy procedure. The Respondent explained the capsulorrhaphy procedure to the Board. Respondent stated he completed an Osteopathic Fellowship which is not recognized by ABMS. Respondent states he is a total body cosmetic surgical specialist.

The Respondent answered the Board's questions.

The Board stated the patient claims she was told that the Respondent was Board certified in total body cosmetic surgery. The Respondent stated that his staff would not make that statement and they are well trained by the office manager. He never claimed he was a Board certified total body cosmetic surgeon.

The Respondent answered the Board's questions.

MOTION: Dr. Reiss moved for dismissal. Dr. Erbstoesser seconded.

VOICE VOTE: The motion carried unanimously.

J. Thomas G. Kotoske, DO DO-17-0227A License No. 3065

Continued from case DO-17-0222A. The Medical Consultant reviewed the Outside Medical Consultant's review. The complaint alleged false advertising credentials on website and failure to properly perform breast augmentation.

Respondent had multiple interactions with patient and it takes about a month to two (2) months to get on the surgical schedule. There is a consultation if surgery is scheduled and the patient will come back to the office for lab work and consent forms to be completed.

The Respondent answered the Board's questions.

The Respondent stated the patient was impatient for results; she did not give her body time for recovery which can take months.

MOTION: Dr. Erbstoesser moved for dismissal. Dr. Reiss seconded.

ROLL CALL VOTE: The motion fails 2-2.

	Vote	Dr. Cunningham	Dr. Erbstoesser	Mr. Landau	Dr. Maitem	Dr. Reiss	Dr. Spiekerman
YES	2		X			X	
NO	2	X		X			
ABSTAIN/RECUSE	0						
ABSENT	2				X		X

RENEW MOTION: Dr. Erbstoesser moved for dismissal. Dr. Reiss seconded.

ROLL CALL VOTE: The motion carried 3-1.

	Vote	Dr. Cunningham	Dr. Erbstoesser	Mr. Landau	Dr. Maitem	Dr. Reiss	Dr. Spiekerman
YES	3		X	X		X	
NO	1	X					
ABSTAIN/RECUSE	0						
ABSENT	2				X		X

The Board suggested correcting website.

The Board recessed for a break at 2:56 p.m. and returned to Open Session at 3:10 p.m.

K. Allen B. Lee, DO DO-17-0226A License No. 005174

The Respondent was present and was sworn in by the court reporter. At the request of the Board, the Respondent stated his education and training. The Medical Consultant reviewed the case. The complaint alleged failure to maintain medical records and provided care to a patient discharged from Rehab AZ.

Respondent made a statement that the drug screen for patient MB could have been a positive result due to poppy seeds. Respondent gave patient a one (1) month script so he would not go into withdrawals and referred him to a pain specialist clinic. The patient could not find a physician who would take AHCCCS and came back to Respondent asking for another prescription. Respondent did write a script for two (2) more months and referred him to a pain doctor. Respondent admits he did not do any drug screens but could see the patient was in excruciating pain and he wanted to help him. Respondent stated that giving the patient a prescription incorrectly helped him. Respondent did

not have patient sign a pain contract as he was not intending to take him on as a patient, he just wanted to help him not go through withdrawals.

The Respondent answered the Board's questions.

Respondent has taken 32 hours of CME for addition medicine.

The Board feels Respondent was manipulated by the patient to prescribe medications.

Board directed staff to refer the case to the Medical Board for evaluation regarding care at Rehab AZ.

MOTION: Mr. Landau moved for a Non-Disciplinary Letter of Concern for not conducting urine drug screens. Dr. Reiss seconded.

ROLL CALL VOTE: The motion carried 4-0.

	Vote	Dr. Cunningham	Dr. Erbstoesser	Mr. Landau	Dr. Maitem	Dr. Reiss	Dr. Spiekerman
YES	4	X	X	X		X	
NO	0						
ABSTAIN/RECUSE	0						
ABSENT	2				X		X

8. CONSIDERATION AND ACTION ON COMPLIANCE WITH TERMS OF BOARD ORDERS AND REQUESTS TO MODIFY OR TERMINATE ORDERS, PURSUANT TO A.R.S. §32-1855 (E) AND (I).

A. S. Foster Easley, DO DO-15-0100A License No. 3212

Continued to December meeting.

B. Doran James Schnieder, DO DO-16-0051A License No. 4194

The Respondent was present and is requesting to close the case. The Medical Consultant reviewed the case; Respondent has completed 20 hours CME for boundary's and has seen a psychiatrist. Consent agreement has been complied with.

MOTION: Mr. Landau moved to terminate the Board Order. Dr. Reiss seconded.

VOICE VOTE: The motion carried unanimously.

C. Guy F Merz, DO DO-13-0139A License No. 2710

The Respondent was present and is requesting to lift his five (5) year probation. The medical consultant reviewed the case; the Respondent has missed calling in five (5) times since January, 2018 two (2) times of which were in June 2018. Respondent has not missed any call-ins since June. In July 2018 Respondent had an invalid urine drug screen results, MEDTOX stated they were negative but the results were lower than expected.

Respondent stated that three (3) of the five (5) call-ins missed were Sundays which are not his routine.

The Respondent answered the Boards questions.

Dr. Cunningham moved to enter Executive Session for legal advice. Dr. Erbstoesser seconded. The Board entered Executive Session at 4:36 p.m. and returned to Open Session at 4:43 p.m.

MOTION: Dr. Reiss moved to lift the probation. Dr. Erbstoesser seconded.

ROLL CALL VOTE: The motion carried 4-2.

	Vote	Dr. Cunningham	Dr. Erbstoesser	Mr. Landau	Dr. Maitem	Dr. Reiss	Dr. Spiekerman
YES	4	X	X	X		X	
NO	0						
ABSTAIN/RECUSE	0						
ABSENT	2				X		X

D. Marvin Allen Borsand, DO DO-17-0151A License No. 2261

Continued

E. Sean Marshall Spurr, DO DO-15-0155A License No. N/A

The Respondent was present.

Mr. Landau moved to enter Executive Session for confidential information. Dr. Erbstoesser seconded. The Board entered Executive Session at 4:46 p.m. and returned to Open Session at 4:57 p.m.

MOTION: Mr. Landau moved to direct the Executive Director to act in accordance with what was discussed in Executive Session. Dr. Cunningham seconded.

VOICE VOTE: The motion carried unanimously.

9. **REVIEW, CONSIDERATION, AND ACTION ON APPLICATIONS FOR LICENSURE PURSUANT TO A.R.S. § 32-1822; PERMITS PURSUANT TO A.R.S. § 32-1829; AND RENEWALS OF LICENSES PURSUANT TO A.R.S. § 32-1825 (C-D) AND A.A.C. R4-22-207.**

A. Grant Thomas Gordon, DO DO-18-0149A License No. N/A

The Applicant was present. The Investigator reviewed the license application. The Applicant disclosed yes answers under the professional conduct portion of the application for a DUI in May 2017.

The Respondent answered the Board's questions.

MOTION: Dr. Cunningham moved to approve the license application. Dr. Erbstoesser seconded.

VOICE VOTE: The motion carried unanimously.

B. Alessandra L. Clark, DO DO-18-0151A License No. N/A

The Applicant was present with attorney Kraig Marton. The Investigator reviewed the license application. The Applicant disclosed yes answers under the professional conduct portion of the application for a positive drug test for marijuana during her residency program in 2016.
The Respondent answered the Board's questions.

MOTION: Dr. Reiss moved to approve the license application. Dr. Erbstoesser seconded.

VOICE VOTE: The motion carried unanimously.

C. Joseph Christopher Thompson, DO DO-18-0155A License No. N/A

The Applicant was present. The Investigator reviewed the license application. The Applicant disclosed a yes answer under the professional conduct portion of the application for a DUI in January 2010.

Mr. Landau moved to enter Executive Session for confidential medical advice. Dr. Reiss seconded. The Board entered Executive Session at 11:48 a.m. and returned to Open Session at 12:00 p.m.

Mr. Landau moved to enter Executive Session for legal advice. Dr. Reiss seconded. The Board entered Executive Session at 12:00 p.m. and returned to Open Session at 12:04 p.m.

This matter will be tabled until 1 p.m.

Adjourn for lunch at 12:04 p.m. Return to session at 1:08 p.m.

Mr. Landau moved to enter Executive Session for confidential information and legal advice. Dr. Erbstoesser seconded. The Board entered Executive Session at 1:08 p.m. and returned to Open Session at 1:17 p.m.

MOTION: Mr. Landau moved to direct the Executive Director to act as determined in the Executive Session. Dr. Erbstoesser seconded.

VOICE VOTE: The motion carried unanimously.

D. Kenneth John Steil, DO DO-18-0154A License No. N/A

The Applicant was present. The Investigator reviewed the license application. The Applicant disclosed a yes answer under the professional conduct portion of the application for a DUI in February 2016.

The Respondent answered the Board's questions.

MOTION: Mr. Landau moved to approve the license application. Dr. Cunningham seconded.

VOICE VOTE: The motion carried unanimously.

The Board recessed for a break at 4:10 p.m. and returned to Open Session at 4:17p.m.

10. **QUESTION AND ANSWER SESSION BETWEEN THE MEDICAL STUDENTS AND MEMBERS OF THE BOARD AND DISCUSSION RELATING TO ISSUES SURROUNDING THE PRACTICE OF OSTEOPATHIC MEDICINE.**

11. **REVIEW, CONSIDERATION AND ACTION ON REPORTS FROM EXECUTIVE DIRECTOR, BOARD MEMBERS, and ASST ATTORNEY GENERAL**

A. Report on ED Dismissed Complaints

The Executive Director had nothing to report.

B. President & Board Member reports

Fall meeting in Tucson.
FSMB in April in Fort Worth.

C. Executive Director Report

1. Financial Report

Ms. Brake provided the Board with an update.

2. Summary of Current Events that Affect the Board

A Doodle Poll was sent out to Board Members to set meeting dates for the first six (6) months of 2019.

- January 12, 2019
- February 9, 2019
- March 16, 2019

April – June dates will be discussed at the December meeting.

Mr. Landau requested the handling of three (3) reviewer cases be placed on a future agenda.

3. Legislation Update

No updates were provided.

12. ADJOURNMENT

The Board adjourned at 5:16 p.m.